

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.8070 OF 2007

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DATED: 19-04-2007

BETWEEN

Excel Agencies,
Rep. by its Managing Partner,
M. Raghunadha Rao,
S/o. M. Bhujanga Rao,
R/o. Eluru,
West Godavari District.

...PETITIONER

AND

Hindustan Petroleum Corporation Ltd.,
Rep. by its Executive Director – LPG,
Regd. Office 17, Jamshedji Tata Road,
Mumbai and others.

...RESPONDENTS

ORDER:

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Heard the learned counsel for the petitioner as well as the learned standing counsel appearing for the respondents.

2. Learned counsel for the petitioner submits that the petitioner-firm is a dealer for distribution of LPG Gas cylinders in Eluru, consisting of two partners, who are husband and wife, namely, M. Raghunadha Rao, aged 75 years and M. Bhanumati, aged 70 years, having shares of 45% and 55% respectively in the partnership firm. He further submits that as they have become old they wanted to change the constitution of the firm by taking a minority partner into the hold of the partnership firm. Accordingly, the petitioner-firm made representations/applications to the respondents and the last of such representations is dated 15.11.2005, which was rejected by E-

mail dated 29.12.2005 stating that the permission for change of constitution cannot be entertained as per the current guideline. Thereafter, the petitioner requested for furnishing a copy of the current guidelines vide letter dated 10.01.2006 and by reply through e-mail dated 15.01.2006 the respondents informed that the guidelines cannot be furnished as they are not marked for circulation.

3. Learned counsel further submits that the petitioner-firm obtained the guidelines under the Right to Information Act, 2005 and as per Clause III sub clause IV of the guidelines, the reconstitution outside the family is permissible by induction of minority partner outside the family in case the Dealer/Distributor/Partner is more than 60 years. Accordingly, the petitioner made another representation dated 31.01.2007 before the fourth respondent and the said representation is pending.

4. Having regard to the facts and circumstances of the case, the fourth respondent is directed to consider and dispose the representation of the petitioner dated 31.01.2007 in accordance with law keeping in view the relevant guidelines within a period of six (6) weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

V. ESWARAIAH, J

April 19, 2007
DSK